

September 9, 2024

A meeting of the Town Board of the Town of Aurora took place on Monday, September 9, 2024, beginning at 6:30 p.m. The Board met in-person at the Aurora Municipal Center, 575 Oakwood Avenue, East Aurora, New York. The meeting was streamed via Zoom and YouTube.

Present:	James F. Granville	Councilman
	Raymond M. Wrazen	Councilman
	Charles D. Snyder	Supervisor
	Joseph McCann	Councilman (via Zoom)
Absent:	Luke Wochensky	Councilman
Others Present:	Brigid Maloney	Town Attorney
	Elizabeth Cassidy	Code Enforcement Officer
	Paul Ernst	ZBA Chairman
	Douglas Crow	Planning Board Chairman
	Rod Simeone	ZBA Member
	Patrick Welch	Chief of Police
	Elizabeth Wilber	Live Stream Coordinator

Supervisor Snyder opened the meeting at 6:31 p.m. with the recitation of the Pledge of Allegiance to the Flag.

The first item on the agenda was a Public Hearing on the site plan application from William Panzica/West Falls Center for the Arts for a proposed parking lot at 1843 and 1863 Davis Road, PO West Falls, NY. Supervisor Snyder opened the hearing at 6:32 p.m. and asked if anyone wished to comment.

Bill Panzica, owner of the property, stated that the current parking lot is difficult to navigate due to its condition. Mr. Panzica described the programs that take place at the West Falls Center for the Arts. Anthony Pandolfi, engineer for the project, stated that the lot is now stone. The new lot will be paved, lined, and will have definite curb cuts.

Supervisor Snyder asked if anyone else wished to comment. Hearing no one, the Supervisor closed the hearing at 6:36 p.m.

Councilman Wrazen moved to approve the consent agenda consisting of the August 26, 2024 meeting minutes and the September 9, 2024 Abstract of Claims vouchers 1101 to 1172 to be paid from the following funds:

General	\$ 32,573.08
Part Town	51.55
Highway/DA	17.97
Highway/DB	18,594.29
Special Districts	<u>273.90</u>
Grand Total Abstract	\$ 51,510.79

Action #295  
8/26 minutes;  
9/9/24  
abstract of  
claims aprvd

Councilman Granville seconded the motion. Upon a vote being taken:  
ayes – three                      noes – none                      Motion carried.

#### AUDIENCE I:

Evan Roden, Grover Road, stated he is against the parking space minimum listed in the proposed local law regarding Bed and Breakfasts and Short-Term Rentals

#### UNFINISHED BUSINESS:

Councilman Granville moved to adopt the following Local Law; seconded by Councilman Wrazen:

TOWN OF AURORA  
LOCAL LAW NO. 5-2024

A LOCAL LAW, TO AMEND LOCAL LAW 1-1990 KNOWN AS THE CODES OF THE TOWN OF AURORA, ADOPTED BY THE TOWN BOARD OF THE TOWN OF AURORA ON JANUARY 22, 1990, BY AMENDING CHAPTER 116 BY AMENDING DEFINITIONS; ADDING DEFINITIONS; AND ADDING BED-AND-BREAKFAST AND SHORT-TERM RENTAL AS PERMITTED USES IN THE R, A, and C1 DISTRICTS WITH A SPECIAL USE PERMIT BY THE TOWN BOARD.

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF AURORA AS FOLLOWS:

SECTION 1. LEGISLATIVE INTENT

This Local Law amends a prior Local Law known as The Codes of the Town of Aurora, adopted by the Town of Aurora Town Board on January 22, 1990, as amended, relating to the administrative, legislative and general legislation of the Codes within the Town of Aurora as herein set forth. This legislation amends and adds definitions and Short-Term Rental as a permitted use when granted a special use permit by the Town Board.

SECTION 2. CHAPTER 116

Chapter 116-4 Definitions is amended by adding, amending and adopting as follows:

Replace Bed-And-Breakfast Dwelling with:

**Bed-And-Breakfast** - An owner-occupied residence resulting from a conversion of a one-family dwelling, used for providing overnight accommodations and a morning meal to not more than ten (10) transient occupants, and containing not more than five (5) bedrooms for such occupants.

Replace Rooming House or Boarding House with:

**Rooming House or Boarding House** – A dwelling unit used for temporary or transient occupancy purposes by at least three (3), but not more than twelve (12) individuals not constituting a family or functional family unit who pay expenses by the room or based on a share of the total expenses of the dwelling unit. The term does not include a motel, hotel, group residence or short-term rental.

Replace Short-term rental with:

**Short-term Rental** – An owner-occupied dwelling or dwelling group that is converted and rented for periods of not less than one night and not more than thirty (30) consecutive days.

1) In a single-family dwelling, the dwelling shall be owner-occupied during any period of time in which it is being used and occupied as a short-term rental.

2) In a multi-family dwelling, one unit shall be owner-occupied during any period of time in which another unit in the building is being used and occupied as a short-term rental.

3) In a dwelling group, one dwelling shall be owner-occupied during any period of time in which another dwelling is being used and occupied as a short-term rental.

Add:

**Landlord** - Owner of real property that is leased to another individual or individuals.

**Long-Term Rental** -A parcel or dwelling that is leased or rented for primary occupancy for a period exceeding thirty consecutive days.

**Non-owner Occupied** -A parcel or dwelling that is not used by the owner(s) as their primary residence.

**Owner Occupied** -A parcel or dwelling that is used by the owner(s) as their primary residence.

**Rent** – A payment made periodically by a tenant or transient to a landlord in return for use of a dwelling, land, a building, an apartment, an office or other property. The term includes “Lease”.

**Transient Occupant** – Any person (individual) who pays rent to obtain lodging space or the use of lodging space for a period of more than one (1) night, but less than thirty (30) consecutive days. The term includes “paying guest or guests”.

Chapter 116-8.1 A is amended by deleting 116-81A (8).

Chapter 116-8.1 is amended by adding new 116-8.1B Permitted uses as follows:

B. Permitted uses when approved by the Town Board through a special use permit:

(1) Owner-occupied Bed-and-Breakfast dwelling.

(a) Requirements

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1) Survey showing parking area(s) – all parking must be accommodated on site. There shall be a minimum of two (2) parking spaces for the dwelling owner(s) and a minimum of one (1) parking space for each bedroom being rented.

2) Detailed floor plan of dwelling.

3) Documentation verifying length of stay, number of bedrooms being rented, and number of transient residents, such as a registration ledger or receipts, shall be made available to the Code Enforcement Officer upon request.

4) Property owner shall make their property available to the Code Enforcement Officer for a Fire Safety Inspection in accordance with Section 116-46 prior to the review by the Town Board of the Special Use Permit application.

5) The dwelling and any pool or spa on site shall comply with the New York State Uniform Fire Prevention and Building Code requirements for Bed-and-Breakfast dwellings, habitable space and pools and spas

6) Occupancy shall not exceed five (5) bedrooms and ten (10) transient occupants.

7) An annual Fire Safety inspection by the Code Enforcement Officer is required. Failure to have the required inspection completed will result in revocation of the special use permit.

(2) Owner-occupied short-term rental.

a) Requirements:

1) Survey showing parking area(s) – all parking must be accommodated on site. There shall be a minimum of two parking spaces for the dwelling owner(s) and a minimum of one parking space for each room or unit being rented.

2) Detailed floor plan of dwelling.

3) Documentation verifying length of stay, number of bedrooms being rented, and number of transient residents, such as a registration ledger or receipts, shall be made available to the Code Enforcement Officer upon request.

4) Property owner shall make their property available to the Code Enforcement Officer for a Fire Safety Inspection in accordance with Section 116-46 prior to the review by the Town Board of the Special Use Permit application.

5) The dwelling and any pool or spa on site shall comply with the New York State Uniform Fire Prevention and Building Code requirements for Bed-and-Breakfast dwellings, habitable space and pools and spas.

6) Occupancy shall not exceed three (3) bedrooms and six (6) transient occupants

7) An annual Fire Safety inspection by the Code Enforcement Officer is required. Failure to have the required inspection completed will result in revocation of the special use permit

Chapter 116-8.2 is amended by adding new 116-8.2B Permitted uses as follows:

B. Permitted uses when approved by the Town Board through a special use permit:

(1) Any use requiring a special use permit in the R-1 district.

Chapter 116-8.3B is amended by adding new 116-8.3B(1) as follows:

(1) Any use requiring a special use permit in the R-1 district.

Chapter 116-8.4 is amended by deleting 116-8.4 A(8)

Chapter 116-8.4B is amended by adding new 116-8.3B(1) as follows:

(1) Any use requiring a special use permit in the R-1 district.

Chapter 116-8.5 B is amended by adding:

(14) Owner-occupied Bed-and-Breakfast.

(15) Owner-occupied Short-term rental.

Chapter 116-8.7 D is amended by replacing 116-8.7 D (5) with:

(5) Hotel and motel

And adding new (6) and (7):

(6) Owner-occupied Bed-and-Breakfast dwelling (see 116-8.1 for requirements).

(7) Owner-occupied Short-term rental (see 116-8.1 for requirements).

Chapter 116-27 Off-street parking Guideline shall be amended by deleting bed-and-breakfast from the Boarding or rooming house section and adding a new section under Type of Use and Number of Parking spaces:

Bed-and-Breakfast; owner-occupied short-term rental – minimum of two (2) parking spaces for the dwelling owner(s) and a minimum of one (1) parking space for each bedroom being rented.

**SECTION 3. SEVERABILITY.**

The invalidity of any word, section, clause, paragraph, sentence, or part or provision of this Local Law shall not affect the validity of any other part of this Local Law which shall be given effect.

**SECTION 4. EFFECTIVE DATE**

This Local Law shall take effect immediately upon filing with the New York Secretary of State.

Upon a roll call vote being taken:

Councilman Wrazen – aye

Councilman Granville – aye

Supervisor Snyder – aye

Action #296  
LL 5-2024  
adopted: BnB  
and short-  
term rental

ayes – three

noes – none

Motion carried.

\* \* \* \* \*

The Town Board reviewed the Short Environmental Assessment Form - Part 2 for 196 Ellicott Road, PO West Falls, NY, determining that answer to all eleven questions is “No, or small impact may occur.”

Councilman Granville moved to adopt the following resolution; seconded by Councilman Wrazen:

RESOLVED that the Town Board of the Town of Aurora declares itself lead agency with regard to SEQR for the Open Development Area, Site Plan, and Special Use applications for a self-storage building at 196 Ellicott Road; and further

RESOLVED that after considering the action stated herein, reviewing the criteria contained in Section 617.11 of the Rules and Regulations of the State Environmental Quality Review Act, determines that the action is an Unlisted action; and further

RESOLVED that the Town Board of the Town of Aurora has determined that this Unlisted action will result in no significant adverse impacts on the environment, and therefore, an environmental impact statement need not be prepared; and further

RESOLVED that a negative declaration is issued with regard to the Open Development Area, Site Plan, and Special Use for 196 Ellicott Road.

Action #297  
Negative  
declaration  
issued for  
196 Ellicott  
ODA, site  
plan & SUP

Upon a vote being taken:

ayes – three

noes – none

Motion carried.

\* \* \* \* \*

Councilman Wrazen moved to adopt the following resolution; seconded by Councilman Granville:

RESOLUTION  
APPROVING DEVELOPMENT ON AN  
OPEN DEVELOPMENT AREA LOT; SPECIAL USE PERMIT and SITE PLAN  
196 ELLICOTT ROAD  
(SBL# 186.00-1-42.2)  
TOWN OF AURORA, NEW YORK

WHEREAS, Chapter 99 of the Code of The Town of Aurora establishes standards for landowners who wish to develop or subdivide land that lacks adequate public road frontage for standard lot development (known as “Open Development Area”); Chapter 95 addresses site plan requirements; and Chapter 116 Article III and Chapter 116 – 8.9 D(1) address uses by Special Use Permit of the Town Board; and

WHEREAS, Richard Mund/Alpine Storage LLC (“the Applicant”) has filed an Open Development Area application, Site Plan application and Special Use Permit application for a 2.00± acre parcel at 196

Ellicott Road (SBL#186.00-1-42.2); and seeks approval to construct a 40' by 120' building (self-storage facility) on the parcel; and

WHEREAS, the Applicant has made a reasonable attempt and effort to comply with specifications of Chapters 95, 99 and 116 of the Code of the Town of Aurora; and

WHEREAS, the applications and supporting documentation were forwarded to the Erie County Division of Planning whose response was that the proposed action has been reviewed and determined to be of local concern and they have no recommendations; and

WHEREAS, the Applicant applied for and the Zoning Board of Appeals granted a 49' front yard setback variance, a 1.04 acre lot size variance and a 34' side yard setback variance to the west side for a storage building on an Open Development Area lot at 196 Ellicott Road; and

WHEREAS, the Town of Aurora Planning Board moved to recommend that the Town Board approve the Open Development Area, Site Plan and Special Use Permit applications/proposals for 196 Ellicott Road; and

WHEREAS, as an unlisted action under SEQRA the Town Board found that the project will not result in any significant adverse environmental impacts.

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Chapter 99 Article VI – Open Development Area; Chapter 95 Site Plan Review; and Chapter 116 Article III and Chapter 116-8.9 D(1) of the Zoning of the Code of the Town of Aurora, the Town Board of the Town of Aurora does hereby approve the Open Development Area, Site Plan and Special Use Permit to Richard Mund/Alpine Storage LLC for a building to be used as a self-storage business at 196 Ellicott Road, PO West Falls, Town of Aurora, New York.

Action #298  
ODA, site  
plan and SUP  
for 196  
Ellicott  
storage bldg.  
aprvd

Upon a vote being taken: ayes – three      noes – none      Motion carried.  
\* \* \* \* \*

Councilman Granville moved to set Monday, September 23, 2024 at 6:30 p.m. at the Aurora Municipal Center, 575 Oakwood Avenue, East Aurora, NY, as the date, time and place to hold a public hearing on development of an Open Development Area (flag lot) at 2271 Lapham Road, East Aurora, NY. Councilman Wrazen seconded the motion. Upon a vote being taken: ayes – three      noes – none      Motion carried.

Action #299  
Public  
hearing set  
for 2271  
Lapham  
ODA

NEW BUSINESS:

Councilman Granville moved to accept a \$850.00 donation from Aurora Mills Condominium Association for the Aurora Senior Center. Funds will be deposited to TA-1000-0090 – Senior Center donations. Councilman Wrazen seconded the motion. Upon a vote being taken: ayes – three      noes – none      Motion carried.

Action #300  
\$850  
Donation for  
SrCtr  
accepted

Supervisor Snyder moved to approve the purchase of a 32" by 42" trail sign for the kiosk at the south portion of Majors Park from Martyn Printing & Graphics, Inc., 450 Olean Road, East Aurora, NY, at a cost of \$295.00. Funds will be disbursed from A7110.454 ARPA. Councilman Granville seconded the motion. Upon a vote being taken: ayes – three      noes – none      Motion carried.

Action #301  
Purchase of  
trail sign for  
Majors Park  
south kiosk  
aprvd

Councilman Wrazen stated that the Climate Smart Community Task Force discussed actions that could be taken to obtain silver status. The Open Space Committee is looking to see if they are capable of conducting a natural

resources inventory for the Town. Mr. Wrazen also spoke about a data sharing agreement between the Town and the WNY Land Conservancy. Supervisor Snyder asked Town Attorney Maloney to review the agreement.

Councilman Wrazen moved to authorize Justice Court action in reference to Aurora Town Code Section 65-4I: Expired Permit for Dion Dawkins, 100 Stewart Court, East Aurora, NY. Councilman Granville seconded the motion. Upon a vote being taken: ayes – three noes – none  
Motion carried.

Action #302  
Justice Court  
action for 100  
Stewart Ct.  
authorized

Earlier this year, the Aurora Court received a \$22,535.00 JCAP grant. A portion of the grant was for new carpeting for the Court office area, but due to asbestos conditions, that carpeting will not be installed. JCAP is allowing \$2,000.00 to be reallocated toward a multi-function copier. Quotes were received from:

Lineage Office Technologies: Konica-Minolta Biz-hub \$4,000.00  
United Business Systems: Canon Business Runner \$3,112.60  
CDW: HP LaserJet \$5,169.00

Court personnel are requesting to purchase the Konica-Minolta at a higher cost than the Canon due to the security features of the Konica-Minolta.

Councilman Granville moved to approve the purchase of a Konica-Minolta Biz-hub copier from Lineage Office Technologies at a cost of \$4,000.00. Funds will be disbursed from A1110.410 (\$2,000 from JCAP funds and the balance from the 2024 budget funds for that line). Councilman Wrazen seconded the motion. Upon a vote being taken: ayes – three noes – none  
Motion carried.

Action #303  
Purchase of  
Konica-  
Minolta  
copier for  
court ofc  
aprvd

Councilman Granville moved to approve the use of NYS OGS Mini bid by the Highway Superintendent to request bids for a new EV pickup truck. Councilman Wrazen seconded the motion. Upon a vote being taken: ayes – three noes – none  
Motion carried.

Action #304  
NYSOGS  
mini bid use  
for EV truck  
aprvd

#### COMMUNICATIONS AND REPORTS:

- Town Clerk – August 2024 report
- Town Clerk/Water – August 2024 report
- Dog Control – August 2024 report
- Work Requisitions – August 2024 report
- Recreation – July & August 2024 reports

Supervisor Snyder read the following public notice regarding the 30-day period for inclusion of predominantly viable agricultural lands into existing agricultural districts:

Per NYS Agriculture and Markets Law Section 303-b, the Erie County Legislature designated September 1 through September 30 as the annual 30-day period during which landowners may submit requests to include predominantly viable agricultural land into an existing certified agricultural district.

Copies of the application form are available at municipal offices and online at [www.erie.gov/agenrollment](http://www.erie.gov/agenrollment). The Erie County Department of Environment and Planning will accept applications from September 1 through September 30.

Any questions on this process should be directed to the Erie County Department of Environment and Planning.

A public hearing will be scheduled at a later date to consider all requests and recommendations of the Erie County Agricultural and Farmland Protection Board.

**BUSINESS FROM BOARD MEMBERS/LIAISONS:**

Councilman Granville invited everyone to attend the EA Music Hall of Fame induction at the WF Center for the Arts and to look at the parking lot.

AUDIENCE II: none

**STAFF REPORTS:**

Code Enforcement Officer Liz Cassidy thanked the Board for adopting Local Law 5.

Police Chief Welch noted that the Taste of East Aurora went well and that his officers shadowed school buses on the first day of school and noted no offenses. The EAPD received a solar powered surveillance camera trailer.

Councilman Wrazen moved to adjourn at 7:10 p.m. Seconded by Councilman Granville. Upon a vote being taken: ayes – three noes – none  
Motion carried. Action #305 Meeting adjourned

Martha L. Librock  
Town Clerk